

1982 WL 189505 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 14, 1982

***1** Mr. N. B. Heyward
Executive Director
S.C. State Board of Medical Examiners
1315 Blanding Street
Columbia, South Carolina 29201

Dear Mr. Heyward:

This is in reply to your letter of November 19, 1982, received on December 1. You have inquired, on behalf of the South Carolina Medical Association, concerning the lawfulness of Dr. Hulteen's designation of himself as a 'Board Qualified Orthopedist' and as a 'Chiropractic Orthopedist' on his letterhead. Additionally, you have asked about the propriety of Dr. John Potente's using the term 'Family Practice of Chiropractic' on his letterhead.

As you are no doubt aware, on February 22, 1982, this office ruled that duly licensed chiropractors could lawfully refer to themselves as 'Chiropractic Physicians' in advertisements concerning their services. This ruling was compelled by decision of the South Carolina Supreme Court holding (1) that chiropractic is a field of medicine and that chiropractors are practitioners of medicine, albeit in a narrow field and (2) that a duly licensed practitioner of medicine is a physician at least to the extent that he limits his activities to the scope of his profession. In that same February 22 opinion, we held that chiropractors could not refer to themselves as 'Physicians' without the qualifying prefix 'Chiropractic' because such a practice might reasonably be expected to deceive or harm the public, and therefore violate [§ 40-9-90\(7\) of the 1976 Code](#) as amended, by implying that the chiropractor's qualifications as a physician were not limited to the narrow field of chiropractic. I have enclosed a copy of this opinion.

Consistent with our February 22 22 opinion and with an earlier opinion of this office authorizing use of the term 'Chiropractic hospital' as part of the name of a chiropractor's place of business ^{a1}, I advise that a chiropractor's use of the term 'Family Practice of Chiropractic' in advertising his services or on his letterhead is not unlawful. As long as the words 'family practice' are not used without the modifier 'chiropractic', the public may not reasonably be expected to be deceived into believing that the chiropractor who so advertises his services is a licensed medical doctor.

For similar reasons, it is not unlawful for a chiropractor who is in fact certified as a chiropractic orthopedist to advertise himself as such. As I understand, Dr. Hulteen has been certified by the Council on Chiropractic Orthopedics of the American Chiropractic Association as a qualified chiropractic orthopedist. Just as chiropractors may not refer to themselves as physicians without the qualifying prefix 'chiropractic', certified chiropractic orthopedists may not refer to themselves as orthopedists without the qualifying prefix 'chiropractic.' The vice in both practices is the same: if a chiropractor refers to himself as a physician or orthopedist without qualifying either designator, the public may be misled or deceived because these designations imply that the chiropractor's qualifications as a physician or orthopedist are not limited to the narrow field of chiropractic. As long as a certified chiropractic orthopedist advertises himself as a chiropractic orthopedist, this potential for public deception is not present. Accordingly, insofar as Dr. Hulteen is concerned, there is nothing unlawful about his referring to himself as a chiropractic orthopedist.

***2** With regard to Dr. Hulteen's use of the phrase 'Board Qualified Orthopedist', I agree that this might be viewed as misleading since it is possible that some members of the public would understand this designation to mean that Dr. Hulteen was a diplomate, or was qualified to be a diplomate, of the American Board of Orthopedic Surgery. I understand, however, that Dr. Hulteen

has discontinued his use of the designation 'Board Qualified Orthopedist' and that on the letterhead he now uses, he refers to himself simply as a Chiropractic Orthopedist.

I trust that this satisfactorily addresses your inquiries.

Sincerely,

Vance J. Bettis
Assistant Attorney General

Footnotes

[a1](#) See 1974 Ops. Atty. Gen. 340.

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